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IN THE SUPREME COURT

STATE OF ARIZONA

In the Matter of:

PETITION TO AMEND  
RULE 39 OF THE  
ARIZONA RULES OF  
CRIMINAL PROCEDURE

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Supreme Court No. R14-\_\_\_\_\_  
(expedited consideration requested)

Pursuant to Rule 28 of the Rules of the Arizona Supreme Court, David K. Byers, Administrative Director, Administrative Office of the Courts, respectfully petitions this Court to adopt the attached proposed amendment to Rule 39 of the Rules of Criminal Procedure, in response to recent amendments to A.R.S. § 13-4434, *victim's right to privacy; exception; definitions*, HB 2454 (Laws 2014, Chapter 151). The text of the proposed amendment is set out in the accompanying Appendix A.

**I. Background and Purpose of the Proposed Rule Amendment.** House Bill 2454 was passed and signed into law in the Second Regular Session of the Fifty-first Legislature (Ch. 151)(2014). The bill's effective date is July 24, 2014.

HB 2454, inter alia, expanded the types of identifying and locating information for a crime victim that must be protected by law enforcement and prosecuting agencies unless the victim consents or the court finds a compelling need for the information exists. Prior law specified “victim’s addresses, telephone numbers, places of employment or other locating information.” The bill defined “identifying information” to include “the victim’s date of birth, social security number and official state or government issued driver license or identification number.” The bill also defined “locating information” to include “the victim’s address, telephone number, e-mail address and place of employment.”

Current Rule 39 protects the victim’s “home address, telephone number, the address and telephone number of the victim’s place of employment, and the name of the victim’s employer.” The proposed amendment would conform the Rule to the definitions added by HB 2454.

**II. Pre-Petition Comments.** Due to the need to have the amendment in place for the July 24, 2014 effective date of HB 2454, petitioner has not circulated his proposal for pre-petition comments.

**III. Effective Date of the Proposed Rule Amendment.** Petitioner respectfully requests that the Court consider this petition on an expedited basis, adopt the proposed rule amendment with a July 24, 2014 effective date, and establish a comment period to follow, as permitted by Supreme Court Rule 28(G).

RESPECTFULLY SUBMITTED this \_\_\_\_ day of \_\_\_\_\_, 2014.

By/s/\_\_\_\_\_  
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## APPENDIX A

### Proposed Rule Change

(Proposed deletions are shown with ~~striketrough~~, new language is shown with underscoring)

#### Arizona Rules of Criminal Procedure

##### Rule 39. Victims' Rights

a. [no changes]

##### b. Victims' Rights.

1. through 9. [no changes]

10. The right to require the prosecutor to withhold, during discovery and other proceedings, the victim's date of birth, social security number, official state or government issued driver license or identification number, home address, and telephone number, of the victim, e-mail address, the address and telephone number of the victim's place of employment, and the name of the victim's employer, providing, however, that for good cause shown by the defendant, the court may order that such information be disclosed to defense counsel and may impose such further restrictions as are appropriate, including a provision that the information shall not be disclosed by counsel to any person other than counsel's staff and designated investigator and shall not be conveyed to the defendant.

11. through 16. [no changes]

c. **through g.** [no changes]